

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MELISSA STEWART and KEVIN
STEWART, on behalf of themselves and all
others similarly situated

Plaintiffs,

v.

SMART BALANCE, INC., GFA BRANDS,
INC.

Defendants.

Civil Action No.: 11-6174 (JLL)

ORDER

This matter comes before the Court by way of a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (CM/ECF No. 30) by Defendants Smart Balance and GFA Brands, Inc. (hereafter "Defendants"). For the reasons set forth in the Court's corresponding Opinion,

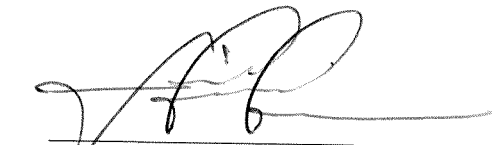
IT IS on this 25th day of June, 2012,

ORDERED that Defendant's motion to dismiss is granted in part and denied in part; and it is further

ORDERED that Plaintiffs' New Jersey Consumer Fraud Act and Manguson-Moss Warranty Act claims are dismissed without prejudice. Plaintiffs may amend their Complaint within 30 days of the date herein; and it is further

ORDERED that Defendants' motion to dismiss is denied as to the following: the breach of express warranty claim, claims relating to the Fat Free Enhanced Milks not purchased by Plaintiffs, and the issue of parent company liability.

SO ORDERED



Jose L. Linares
United States District Judge